

BILL LOCKYER, Attorney General  
of the State of California  
E. A. JONES III, State Bar No. 71375  
Deputy Attorney General  
ELAINE GYURKO  
Senior Legal Analyst  
California Department of Justice  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
Telephone: (213) 897-4944  
Facsimile: (213) 897-9395

Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTOPHER D. GLENN  
1975 Crystal Downs Drive  
Corona, California 92883

Respiratory Care Practitioner License No. 22307

Respondent.

Case No. R-2005

**DEFAULT DECISION  
AND ORDER**

[Government Code § 11520]

FINDINGS OF FACT

1. On or about October 28, 2005, Complainant Stephanie Nunez, in her official capacity as Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, State of California, filed Accusation No. R-2005 against Christopher D. Glenn (Respondent) before the Respiratory Care Board (Board).

2. On or about March 26, 2002, the Board issued Respiratory Care Practitioner License Number 22307 to Respondent. This license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2007, unless renewed.

3. On or about October 28, 2005, Jennifer Porcalla, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No. R-2005, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board  
2 at 1975 Crystal Downs Drive, Corona, California, 92883. A copy of the Accusation, the  
3 associated supplemental documents, Declaration of Service and domestic return receipt are  
4 attached hereto as Exhibit A, and incorporated as if fully set forth herein.

5 4. The above-described service of the Accusation was effective as a matter of  
6 law pursuant to the provisions of Government Code section 11505, subdivision (c).

7 5. Government Code section 11506 states, in pertinent part:

8 "(a) Within 15 days after service of the accusation the respondent may file with  
9 the agency a notice of defense. . . .

10 " . . .

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
13 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 6. Respondent failed to file a Notice of Defense within 15 days after service  
16 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
17 Accusation No. R-2005.

18 7. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions or upon  
21 other evidence and affidavits may be used as evidence without any notice to respondent."

22 8. Pursuant to its authority under Government Code section 11520, the Board  
23 finds Respondent is in default. The Board will take action without further hearing, and based on  
24 Respondent's express admissions by way of default and the evidence before it, contained in  
25 Exhibit A, finds that the allegations, and each of them, in Accusation No. R-2005 are true.

26 9. The Respiratory Care Board further finds that pursuant to Business and  
27 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed  
28 for in the Accusation total \$966.00 based on the Certification of Costs contained in Exhibit B.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Christopher D. Glenn  
3 has subjected his Respiratory Care Practitioner License No. 22307 to discipline.

4 2. Service of the Accusation and the related documents was proper and in  
5 accordance with the law.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent's Respiratory Care  
8 Practitioner License based upon violations of Business and Professions Code sections 3750,  
9 subdivision (d), 3752, and 490, and California Code of Regulations, Title 16, section 1399.370,  
10 subdivision (c), conviction of a crime substantially related to the qualifications, functions or duties  
11 of a respiratory care practitioner, as alleged in the Accusation.

12 5. Respondent is hereby ordered to pay the above costs of investigation and  
13 enforcement of this action.

14  
15 ORDER

16 1. Respiratory Care Practitioner License No. 22307, heretofore issued to  
17 Respondent Christopher D. Glenn, is hereby revoked.

18 2. If Respondent ever files an application for relicensure or reinstatement in  
19 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
20 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
21 effect at the time the petition is filed.

22 3. Respondent is ordered to reimburse the Respiratory Care Board the  
23 amount of \$966.00 for its investigative and enforcement costs. The filing of bankruptcy by  
24 Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs.  
25 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all  
26 costs ordered under Business and Professions Code section 3753.5 have been paid.

27 4. Pursuant to Government Code section 11520, subdivision (c), Respondent  
28 may serve a written motion requesting that the Decision be vacated and stating the grounds relied

on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 10, 2006.

It is so ORDERED April 10, 2006.

Original signed by:  
FOR THE RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
LARRY L. RENNER, BS, RRT, RCP, RPFT,  
RCB PRESIDENT

Attachments:

Exhibit A: Accusation Case No. R-2005, Associated Supplemental Documents, and  
Declaration of Service  
Exhibit B: Certification of Costs